From: dtwarnick@mmm.com@inetgw

To: Microsoft ATR

Date: 1/16/02 10:42am

Subject: Microsoft Settlement

Briefly, I feel Microsoft is getting off far too easy for its blatantly anti-competitive behavior. Specifically, I am concerned that, by allowing Microsoft to continue as one company, it will continue to shut out competing products and services. Although I appreciate that punishing OEMs for choosing non-Microsoft products is now "prohibited behavior", it is too late for many companies to recover from being squeezed out of the market. I can see how this behavior will continue as it costs Microsoft next to nothing to replicate a software product once it has been created. As such, Microsoft (because of its monopolistic size) can afford to give away any new product it desires by bundling it with the operating system. This will effectively prevent any smaller competitors from entering that product space. Once the Microsoft product is in wide use by the consumers, Microsoft can begin charging money for it, or for an upgraded version of it, and most consumers will pay because they are loathe to switch from a tool to which they have grown accustomed.

The only effective remedy I can see is to force a separation of the Microsoft operating system business from the products and services businesses. While this may not help products or companies that have already been pushed out of the market, it, along with the defined prohibited behavior, will help level the playing field for emerging companies, products, and technologies.

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